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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,267	01/12/2001	Stefano Faccinn	NOKIA.30US	4056
43829 7590 04/08/2008 ROBERT M BAUER, ESQ. LACKENBACH SIEGEL, LLP 1 CHASE ROAD SCARSDALE, NY 10583			EXAMINER MOORE, IAN N	
			ART UNIT 2616	PAPER NUMBER
			MAIL DATE 04/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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09758267	1/12/2001	FACCINN ET AL.	NOKIA.30US

EXAMINER

IAN N.. MOORE

ART UNIT	PAPER
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2616

20080314

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Commissioner for Patents

In response to the communication filed on 3-6-2008, it is noticed that PTO-461 "Defective Appeal Brief" was inadvertently sent instead of PTO-462 "Notification of non-compliant appeal brief". Thus, PTO-462 "Notification of non-compliant appeal brief" is resent.

In response to applicant argument on "summary of claimed subject matter" in the brief, MPEP 1205.02 recites as follows:

(v) Summary of claimed subject matter. A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which must refer to the specification by page and line number, and to the drawing, if any, by reference characters. < While reference to page and line number of the specification **>requires< somewhat more detail than simply summarizing the invention, it is considered important to enable the Board to more quickly determine where the claimed subject matter is described in the application. >For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of 37 CFR 41.37(c)(1)(vii), every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters. If appellant does not provide a summary of the claimed subject matter as required by 37 CFR 41.37(c)(1)(v), the Office will notify appellant of the defect in the brief and give appellant a time period within which to file an amended brief. See 37 CFR 41.37(d).

Moreover, 37 CFR 41.37 (c) (d) recites as follows:

(c)A concise explanation of the subject matter defined in each of the independent claims involved in the appeal, which shall refer to the specification by page and line number, and to the drawing, if any, by reference characters. For each independent claim involved in the appeal and for each dependent claim argued separately under the provisions of paragraph (c)(1)(vii) of this section, every means plus function and step plus function as permitted by 35 U.S.C. 112, sixth paragraph, must be identified and the structure, material, or acts described in the specification as corresponding to each claimed function must be set forth with reference to the specification by page and line number, and to the drawing, if any, by reference characters

(d) If a brief is filed which does not comply with all the requirements of paragraph (c) of this section, appellant will be notified of the reasons for non-compliance and given a time period within which to file an amended brief. If appellant does not file an amended brief within the set time period, or files an amended brief which does not overcome all the reasons for non-compliance stated in the notification, the appeal will stand dismissed.

Thus, in view of the above recitation, it is clear that notification of non-compliant appeal brief is proper.

/Doris To/

Supervisory Patent Examiner, Art Unit 2616

